

REMARKS

This communication is responsive to the Office Action issued December 18, 2008. In the Action, claims 8-17 were rejected. Claims 8, 11, 14, and 17 have been amended. No new matter has been added. Accordingly, claims 8-17 remain pending for the Examiner's consideration.

As an initial matter, Applicant thanks the Examiner for granting a telephonic interview with Applicant's counsel on April 16, 2009 to discuss the Action. During the interview, the parties discussed the limitation of rejected claim 8 reciting "the program information including a program label and unit portions designated based on the program label." The parties agreed that the prior art does not teach recording program information including: a label indicating the type of program, and unit portions separated based on different content specific to that type of program. The Examiner suggested that Applicant amend the claims to clarify this concept. Accordingly, the independent claims of the present application are hereby amended in accordance with the Examiner's suggestions.

Claims 8-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,286,140 to Ivanyi ("Ivanyi") in view of U.S. Patent No. 6,530,082 to Del Sesto et al. ("Del Sesto"), U.S. Patent No. 5,872,588 to Aras et al. ("Aras"), and U.S. Patent No. 5,801,747 to Bedard ("Bedard"). Claims 14, 16, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ivanyi in view of Del Sesto and Aras. Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ivanyi in view of Del Sesto, Aras, Bedard, and U.S. Patent No. 6,704,929 to Ozer et al. ("Ozer").

In the Action, it is alleged that Aras teaches "recording program information concerning a broadcast program in the database, the program information including a program label and unit portions designated based on the program label." See,

e.g., 12/18/08 Office Action, p.5 ¶1. It is acknowledged that none of Ivanyi, Del Sesto, Bedard, or Ozer teach this limitation. Applicant respectfully submits that Aras does not teach this limitation either. Nevertheless, in an effort to increase the clarity of the claims and thereby gain allowance, Applicant has amended independent claims 8, 11, 14, and 17. For example, claim 8 has been amended to recite:

"recording program information concerning a broadcast program in the database, the program information including a program label indicating the type of program and unit portions separated based on different content specific to the type of program;"

Aras clearly fails to meet this limitation. Aras relates to a method and apparatus for monitoring programs broadcast to a subscriber. According to an aspect of Aras, all audio-visual materials are repeatedly encoded with a unique identifier throughout the duration of the broadcast. See Aras, col.7 ll.30-54. The identifier may include a time index field "as a sub-portion identifier so that specific portions of the [audio-visual materials] are identified as they are presented to the subscriber." *Id.* at col.8 ll.18-21. Parental screening controls may be used in conjunction with the sub-portion identifiers to modify portions of the programs based on, for example, their rating (e.g., parental guidance, restricted, etc.). *Id.* at col.10 ll.16-30; Table II. For example, portions of a program with violence or foul language may be blanked-out or silenced.

Aras does not teach recording program information concerning a broadcast program, where the program information includes unit portions separated based on different content *specific to the type of program*. By way of example only, the specification of the present application states:

"The portions A1 to A8 are unit portions separated depending on the label of the program A. For example, if the program is a musical show, different singers perform in the portions A1 to A8. If the program A is a talk show, there are different guests in the portions A1 to A8." *Specification*, p.21 11.13-17.

At best, Aras merely teaches that sub-portions of a program which are inappropriate for particular viewers may be modified. This is neither equivalent nor comparable.

Thus, for at least the reasons discussed above, Applicant respectfully submits that claim 8 is patentable over Aras, as well as Ivanyi, Del Sesto, Bedard, and Ozer, taken alone or in combination. Accordingly, Applicant respectfully requests that the rejection of claim 8 be withdrawn.

Independent claims 11, 14, and 17 have been clarified similarly to claim 8. Accordingly, for at least the reasons discussed above in connection with claim 8, Applicant respectfully submits that claims 11, 14, and 17 are also patentable over the cited art. Thus, Applicant respectfully requests that the rejections of claims 11, 14, and 17 be withdrawn.

Each of claims 9-10, 12-13, and 15-16 depends from one of independent claims 8, 11, 14, and 17 discussed above. Accordingly, for at least the reasons discussed in connection with those independent claims, Applicant respectfully submits that claims 9-10, 12-13, and 15-16 are also patentable. Therefore, Applicant respectfully requests that the rejections of claims 9-10, 12-13, and 15-16 be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such

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action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 17, 2009

Respectfully submitted,

By 

Natalie S. Morelli

Registration No.: 58,545

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

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